

DOCKET NO: 291923US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MINORU SENG, ET AL. : EXAMINER: ECHELMAYER ALEX E
SERIAL NO: 10/586,924 :
FILED: JULY 24, 2006 : GROUP ART UNIT: 1729
FOR: LITHIUM ION CONDUCTING :
SULFIDE BASED CRYSTALLIZED
GLASS AND METHOD FOR
PRODUCTION

DECLARATION UNDER 37 C.F.R §1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Masahiro Tatsumisago states that:

1. I am a named co-inventor of the above-identified application.
2. I am a co-assignee of the entire rights, title and interest in said invention and in and to any Patent that may be granted therefore in the United States and its territorial possessions and in and any and all foreign countries.
3. I am also a co-author of Tatsumisago et al., Solid State Ions, 154-155:3-8 (2002).
4. I received my Doctor degree in Engineering from Osaka University in the year 1984.
5. I have been employed by Osaka Prefecture University, for 14 years as Professor in the field of Department of Applied Chemistry.
6. I am familiar with the application and current claims that are pending in the above-identified application.

7. Our invention is directed to a lithium-ion-conducting sulfide-based crystallized glass comprising: lithium (Li), phosphorus (P), and sulfur (S) elements , wherein the glass has diffraction peaks at $2\theta = 17.8 \pm 0.3$ deg, 18.2 ± 0.3 deg, 19.8 ± 0.3 deg, 21.8 ± 0.3 deg, 23.8 ± 0.3 deg, 25.9 ± 0.3 deg, 29.5 ± 0.3 deg and 30.0 ± 0.3 deg in X-ray diffraction (CuK α : $\lambda = 1.5418$ Å). See claim 1 of the above-identified application.

8. I understand that one of the issues raised by the U.S. Patent Office is that allegedly Figure 6 of Tatsumisago et al. describes all of the peaks claimed in the above-identified application.

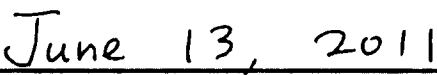
9. I disagree with the conclusions of the U.S. Patent Office, because Figure 6 of Tatsumisago et al. do not describe all of the peaks claimed in the above-identified application and, specifically, at least two peaks $2\theta = 21.8 \pm 0.3$ deg and 23.8 ± 0.3 deg. The “small peaks” pointed to by the Examiner on page 4 of the Official Action mailed on February 1, 2011, are not real peaks but are merely measurement errors.

10. The undersigned declare further that all statements made herein are of his own knowledge are true and that all statements made on information are believed to be true. Further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

11. Further, Declarant saith not.



Signature



Date